

REMARKS

The present amendment is in response to the Office Action dated April 13, 2004. Claims 1-27 are now present in this case. Claims 1-4, 7, 11, 12, 15-20, 24 and 27 are amended.

The applicant wishes to express his appreciation to the Examiner and the Examiner's supervisor for the telephone interview with the applicant's attorney on June 14, 2004. As discussed in that interview, the present invention revolves around techniques for reporting consumer commentary on a selected entity with the commentary being in the form of a monetary contribution to a service provider having no business relationship with the selected entity. It should be noted that the term "service provider" as used herein does not refer to an internet service provider (ISP), such as Microsoft Network or America Online. The end user or consumer may comment on any entity such as a business, organization, product, service, individual people (either living or historic figures), geographic places, and the like. (See specification, page 4, lines 14-16.) The consumer commentary, in the form of a voluntary monetary contribution, is used to build up or down the reputation of the selected entity. (See page 4, lines 23-28.)

The service provider that is contacted by the consumer and which receives monetary contributions has no business or financial relationship with any user-selected entity. This aspect of the invention becomes quite clear when one considers that the entity may be a historical individual, geographic location, or the like. (See page 4, lines 15-16.) However, the service provider, which may be considered a commentary reporting service, accepts the monetary contributions from the consumer as well as the consumer selection of a positive or negative category for the selected entity, and stores those results for future reference by consumers.

As noted in the specification at page 1, line 22—page 2, line 2, known consumer commentary techniques, such as chat rooms and websites only allow consumers to provide written commentary. Such commentary may not be reliable.

Indeed, as noted in a reference by Ishman, cited in a previous Office Action, written consumer commentary in chat rooms may be highly unreliable. In Ishman, individuals posted slanderous comments to drive down the stock price of a company or made inaccurate comments to artificially inflate stock price of a company. Thus, the reliability of verbal commentary is open to question.

In sharp contrast, the "commentary" in the present invention is in the form of a monetary contribution. (See page 4, lines 23-28.) In one embodiment, the consumers may be permitted to provide only monetary "commentary" and not use words for or against a company or product. (See page 4, lines 23-25.) Even if words were optionally provided, the requirement of a monetary commentary tends to weed out inaccurate statements. Subsequent consumers may view the monetary commentary, and view it with greater reliability than the type of commentary provided in a chat room, such as disclosed in Ishman.

Claims 1-18 and 20-26 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Ishman combined with an article by Ott and further in view of U.S. Patent No. 5,895,450 to Sloo. The applicant respectfully disagrees with the assessment of these references and the applicability to the claimed invention.

Ishman is actually directed to possible employer liability for employees who post slanderous or illegal comments on websites. Even if these slanderous or illegal postings are considered "commentary" they are not monetary commentary and are thus subject to the low degree of reliability discussed above. Ott describes an information network in which a consumer may find expert advice or knowledge using the service provider website as a "middleman" in a transaction. On page 2, paragraph 7, Ott states that the success of such a process "is predicated on people paying for information" (emphasis added). It is important to note that the monetary payment in Ott is for services rendered (*i.e.*, the expert advice); this is not the same as a "monetary contribution" or "voluntary monetary payment," recited in the pending claims. One technique described by Ott is payment by the consumer directly to the entity providing the desired expertise or information. In turn, the expert provides the middleman (*i.e.*, the service provider hosting the website) with a percentage from each transaction

conducted over the system. (See page 1, paragraph 6.) However, the system described in Ott clearly establishes a business and financial relationship between that service provider and the experts. The consumer pays the expert for information and a percentage of that payment goes to the middleman service provider. Ott does describe a technique where consumers can provide commentary on the transaction, much in the way that “shoppers on eBay can quickly determine a trader’s reputation based on a feedback from others.” (See Ott, page 2, paragraph 11.) However, it is clear that the consumer commentary suggested by Ott does not include a monetary contribution. As noted above, the payments provided by the consumer are payments for the information and expertise. There is no teaching or suggestion in Ott for a consumer commentary in the form of a monetary contribution.

Sloo is directed to a complaint resolution system. The complaint resolution service provider acts as a “middleman” between a consumer and some entity. Sloo only briefly mentions any form of payment. In column 12, lines 15-24, Sloo describes a technique by which any of the users may be required to pay a fee. The consumer may be required to pay a fee to post a complaint or the user-selected entity may be required to pay a fee before posting a response to the complaint. However, it is clear that the payment described in Sloo is clearly a payment for the resolution services provided rather than a monetary contribution. Thus, none of the references, taken alone or in combination, suggest a voluntary monetary contribution.

In sharp contrast to the cited references, the claimed invention provides a technique that allows a consumer to provide “commentary” in the form of a monetary contribution. For example, claim 1 recites *inter alia* “electronically communicating with a commentary reporting service at a first time to permit a user to select an entity having no business relationship with the commentary reporting service.” As noted above, the middleman service provider described in Ott has a clear business relationship with the user-selected entity (*i.e.*, the experts). The middleman service provider receives a percentage of every transaction. Claim 1 also allows the user to select a positive rating category or a negative rating category for the user-selected entity and allows the user to “voluntarily provide a monetary contribution to the commentary reporting service to

provide a quantifiable indication of user satisfaction or dissatisfaction with the user-selected entity to thereby build a reputation of the user-selected entity up or down.”

The Office Action states that Sloo teaches the selection of a positive or negative rating category for the user-selected entity. (See Office Action, page 4.) This is not correct.

Claim 1 recites selecting a positive or negative rating category when communicating with the commentary reporting service a first time. The first time user contacts the complaint resolution service in Sloo, the user is essentially always “selecting” a negative category with respect to the entity (*i.e.*, it is a complaint resolution system).

The Office Action cites a number of different passages in Sloo as supporting the selection of a positive or negative rating category. However, none of these citations teaches or suggests user selection of a positive or negative rating category with respect to a user-selected entity. Sloo, at column 3, lines 7-17, broadly refers to computer hardware used to implement a complaint resolution system. At column 5, line 56 to column 6, line 4, Sloo describes techniques for searching complaint records and for allowing the user-selected entity to respond to a complaint issued against it. These passages do not relate to the selection of a positive or negative rating category and do not suggest such positive and negative rating categories. Column 6, lines 46-67 of Sloo describe techniques for entering complaints and optically scanning complains, but does not teach or suggest a positive or negative rating category.

Column 8, line 59 to column 9, line 10 of Sloo describe a scoring system. The program updates the complainant and the subject’s performance records. However, it should be noted that it is the complaint resolution system that generates the scores. Furthermore, the score generated by the complaint resolution system does not involve a positive or negative rating category. While one may imply that that low score amounts to the selection of a negative rating category, Sloo provides no such teaching. Furthermore, as noted above, it is the complaint resolution system (*i.e.*, the middleman service provider) that scores both the consumer and the user-selected entity. There is no teaching or suggestion of the user (*i.e.*, the complainant) selecting a positive or negative rating category with respect to the entity.

Column 11, line 63 to column 12, line 5 of Sloo describes the consequences of failure of one party (*i.e.*, either the consumer or the consumer-selected entity) to comply with the terms and conditions of a judgment. This process does not involve the consumer (*i.e.*, the end user) selecting a positive or negative rating category for the user-selected entity, as recited in claim 1. It is the middleman complaint resolution system that posts an alert that one party has failed to comply with the settlement agreement. There is no suggestion of a selection of any category by the end user. Column 12, lines 15-24 of Sloo describe a process by which the end user and/or the user-selected entity to pay fees to the complaint resolution processor middleman. As noted above, these fees are paid for the service rendered by the complaint resolution system for services rendered. Sloo does not teach or suggest a voluntary monetary contribution, as recited in claim 1. Furthermore, the cited passage does not teach or suggest the selection of a positive or negative rating category recited in claim 1. Column 14, line 60 to column 15, line 40 of Sloo describe a process by which "satisfaction data" is generated. It should be noted that the satisfaction data is not generated by the consumer, but by the complaint handling system. The complaint handling system uses artificial intelligence to rate the entire complaint resolution process and is thus grating both the consumer and the consumer-selected entity. At no time does Sloo suggest the end user selecting a positive or negative rating category for a selected entity. Column 18, lines 16-17 merely state that the complaint handling apparatus may serve as a reputation monitor. However, such a statement does not involve the end user at all. It is the complaint resolution apparatus that rates the complaint resolution process with respect to both the consumer and the consumer-selected entity. At no point does Sloo teach or suggest the end user selecting a positive or negative rating category for the selected entity. Indeed, Sloo teaches away from this concept by teaching that the complaint resolution middleman makes judgments with respect to both parties (*i.e.*, the consumer and the consumer-selected entity). Thus, none of the passages cited in the Office Action on page 4 teach or suggest the end user selecting a positive or negative rating category for the selected entity. In contrast, the present invention, as recited in claim 1, allows the end user to

select an entity having no business relationship with the commentary reporting service, select a positive or negative rating category with respect to that entity and voluntarily provide a monetary contribution to the commentary reporting service.

The method of claim 1 stores the data related to user-selected entity and the value of the monetary contribution in a selection of a positive or negative rating category and recites *inter alia* “electronically communicating with the commentary reporting service at a second time different from the first time to select the entity and retrieve stored data from the commentary reporting service related to the user-selected entity and the value of the monetary contributions and selections of the positive rating category and the negative rating category.” As previously discussed, none of the references teach or suggest providing “commentary” in the form of monetary contributions nor the selection of positive and negative rating categories. The references, taken alone or in combination, do not suggest storing and retrieving this form of data, as recited in claim 1. Accordingly, claim 1 is clearly allowable over the cited references. Claims 2-6 are also allowable in view of the fact that they depend from claim 1, and further in view of the recitation in each of those claims.

Claim 7 is a method claim for recording and publicly reporting consumer monetary commentary. The claims recites *inter alia* “electronically communicating with a commentary reporting service provider at a first time to select an entity unrelated to the service provider.” The method also allows the selection of “a positive rating category or a negative rating category for the selected entity” as well as “provide a voluntary monetary payment to the service provider for the selected rating category to thereby build the reputation of the selected entity up or down.” The data related to the selected entity, the value of the monetary payment and the decision to build a reputation up or down is stored. As noted above, none of the references suggest providing a monetary payment to a commentary reporting service provider for a particular selected rating category (*i.e.*, a user-selected positive or negative rating category). As discussed above, services, such as those described in Ott clearly describe a business and financial relationship between the service provider and the selected entity. In contrast, claim 7 specifically recites the selection of an entity

“unrelated to the service provider.” The combination of references do not teach or suggest the selection of positive or negative rating categories or a monetary payment to the service provider unrelated to the selected entity, as recited in claim 7. Accordingly, claim 7 is clearly allowable over the cited references. Claims 8-11 are also allowable in view of the fact that they depend from claim 7, and further in view of the recitation in each of those claims.

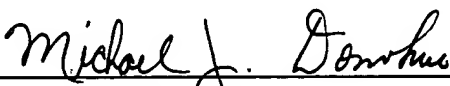
Claim 12 is a method claim for recording consumer monetary commentary from a plurality of consumers regarding an entity. Claim 12 recites *inter alia* “accepting a monetary contribution from each of the plurality of consumers to alter the reputation of the identified entity wherein the monetary contribution is not a payment to the identified entity.” Claim 12 also includes accepting data from the plurality of consumers indicating the selection of positive and negative rating categories for the identified entity and storing data related to the identified entity, the value of the monetary contribution and the consumer selections of the rating category (*i.e.*, the positive rating category or the negative rating category). As previously discussed, none of the references suggest a monetary contribution from consumers where the monetary contribution is not a payment to the identified entity. As previously discussed, Ott describes a system wherein the consumer pays an entity for the expert service provided and wherein a portion of that fee is shared with the intermediate middleman service provider. Such payment for expert services does not teach or suggest a monetary contribution that is not a payment to the identified entity. Similarly, Sloo describes payments for complaint resolution services. None of the references, taken alone or in combination, suggest a monetary contribution nor the selection of positive or negative rating categories for the identified entity nor storing such data, as recited in claim 12. Accordingly, claim 12 is clearly allowable over the cited references. Claims 13-19 are also allowable in view of the fact that they depend from claim 12, and further in view of the recitation in each of those claims.

Claim 20 is an apparatus claim directed to a system using a computer network for consumer reporting. The system comprises a user computer and a server both coupled to the network and recites *inter alia* “the user computer communicating

with the server at a first time to permit user selection of an entity, to permit user selection of a positive rating category or a negative rating category for the user-selected entity, and to permit a voluntary monetary contribution from the user to a service provider having no business relationship with the user-selected entity to thereby build the reputation of the user-selected entity up or down." In accordance with claim 20, this information is stored in the data structure. As discussed above, none of the references, taken alone or in combination, suggest the selection of a positive or negative rating category and a technique that permits a voluntary monetary contribution from the user to a service provider having no business relationship with the user-selected entity, as recited in claim 20. Accordingly, claim 20 is clearly allowable over the cited references. Claims 21-27 are also allowable in view of the fact that they depend from claim 20, and further in view of the recitation in each of those claims.

In view of the above amendments and remarks, reconsideration of the subject application and its allowance are kindly requested. If questions remain regarding the present application, the Examiner is invited to contact the undersigned at (206) 628-7640.

Respectfully submitted,
Anil K. Goyal
Davis Wright Tremaine LLP



Michael J. Donohue
Registration No. 35,859

MJD:gatc

2600 Century Square
1501 Fourth Avenue
Seattle, Washington 98101-1688
Phone: (206) 622-3150
Fax: (206) 6628-7699

1496830_1.DOC